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Geneva, 25 September 2000
Item 6 (b) of the provisional agenda

REVIEW OF TECHNICAL ASSISTANCE, ADVISORY AND TRAINING PROGRAMMES ON COMPETITION LAW AND POLICY

Note by the UNCTAD secretariat

Summary

UNCTAD provides various types of technical assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received, needs of countries concerned and resources available. Accordingly, the document contains a progress report on technical cooperation activities of the UNCTAD secretariat, which are described under the three main subheadings, namely national activities, regional and subregional activities, and participation in seminars and conferences. The document also contains extracts from replies of member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities provided, planned or received, bilaterally or multilaterally, in the area of competition law and policy. Extracts from replies received, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which the States or international organizations would wish to see receive priority attention, are presented as a separate subsection.

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I. INTRODUCTION

1. It is recalled that section F, paragraphs 6 and 7, of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the United Nations General Assembly in 1980 (TD/RBP/CONF.10/Rev.1) calls for technical assistance, and advisory and training programmes on restrictive business practices, particularly for developing countries. The Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, in paragraph 4 of its resolution (TD/RBP/CONF.4/5, Annex I), requested the UNCTAD secretariat, "taking into account increased needs for technical cooperation and technical assistance in developing countries, countries in transition and other countries, to carry out a review of technical cooperation activities undertaken by UNCTAD and other international organizations, as well as States bilaterally, with a view to strengthening its ability to provide technical assistance for capacity-building in the area of competition law and policy by:

(a) Encouraging providers and recipients of technical cooperation to take into account the results of the substantive work done by UNCTAD in the above-mentioned areas in determining the focus of their cooperation activities;

(b) Encouraging developing countries and countries in transition to identify specific competition law and policy areas and issues which they would wish to see receive priority attention in the implementation of technical cooperation activities;

(c) Identifying common problems encountered in the competition law and policy area which might receive attention in regional and subregional seminars;

(d) Enhancing cost-effectiveness, complementarity and collaboration among providers and recipients of technical cooperation, both in terms of the geographical focus of technical cooperation activities, taking into account the special needs of African countries, and the nature of cooperation undertaken;

(e) Preparation and execution of national, regional and subregional projects on technical cooperation and training in the field of competition law and policy, taking special account of those countries or subregions which have not received such assistance so far, especially in the field of law drafting and staff training, and enforcement capacity;

(f) Mobilizing resources and widening the search for potential donors for UNCTAD technical cooperation in this area;".

2. Subsequently, in the agreed conclusions of its second session, the Intergovernmental Group of Experts on Competition Law and Policy (June 1999) took note with appreciation of the voluntary financial and other contributions received from member States and invited all member States to assist UNCTAD on a voluntary basis in its technical cooperation activities by providing experts, training facilities or financial resources; requested the UNCTAD secretariat to pursue its technical cooperation activities within the available resources; and invited the Secretary-General of UNCTAD to explore the feasibility of supporting training and capacity-building on a regional basis within the available resources. It further requested the UNCTAD secretariat to prepare for

consideration by the Fourth Review Conference an updated review of technical assistance, taking into account the information to be submitted by member States and international organizations no later than 31 January 2000 (TD/B/COM.2/19; TD/B/COM.2/CLP/14).

3. Accordingly, this note contains information on technical cooperation activities of the UNCTAD secretariat in the period shortly before and after the second session of the Intergovernmental Group of Experts on Competition Law and Policy, held from 7 to 9 June 1999, as well as extracts from replies of member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities in the field of competition law and policy (TDN 915(1) of 22 November 1999). The Secretary-General is grateful for the replies to his note.

II. PROGRESS REPORT ON UNCTAD TECHNICAL COOPERATION

4. It should be noted that UNCTAD provides assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received and resources available. The main types of requests for technical assistance received by UNCTAD are as follows:

(a) States without any competition legislation may request information about restrictive business practices, their existence and possible adverse effects on their economy. This may involve a study of the restrictive business practices (RBPs) in their economy;

(b) States without competition legislation may request introductory seminars directed at an audience including government officials and academics, as well as business and consumer-oriented circles;

(c) States which are in the process of drafting competition legislation may request information on such legislation in other countries, and seek advice about drafting their competition legislation;

(d) States which have just adopted competition legislation may seek advisory services for setting up the competition authority; this usually includes training of officials responsible for the actual control of RBPs, and may involve training workshops and/or on-the-job training with competition authorities in countries that have experience in the field of competition;

(e) States which have already adopted competition legislation and have experience in the control of RBPs may wish to consult one another on specific cases and exchange information; seminars may be organized for such exchanges between competition authorities;

(f) States which wish to revise their competition legislation might seek expert advice from competition authorities in other States, so as to amend their laws in the most effective manner possible.

5. The main technical cooperation activities of the UNCTAD secretariat for the above-mentioned period are set out below.

A. National activities

6. UNCTAD assisted Thailand, Mauritania, Madagascar, Viet Nam and Ecuador in preparing, elaborating or reviewing national competition and/or consumer protection legislation. In particular, in the case of Madagascar, a competition expert engaged by UNCTAD prepared a report, suggesting amendments to the draft competition law of that country. UNCTAD also provided advisory services to Thailand in drafting guidelines for operational procedures of its competition authority. A competition expert engaged by UNCTAD prepared a report on assessing the experience of the countries of the Commonwealth of Independent States (CIS) in implementing competition policy. UNCTAD advised the Task Force of CARICOM countries preparing the revision of Protocol IX on competition policy and consumer protection issues. Also, the work on elaborating a common approach to competition policy for the member States of the Common Market for Eastern and Southern Africa (COMESA) was continued.

7. A national training workshop on competition policy was organized by UNCTAD in May 1999 in Zambia. The workshop's objectives were to enhance the capacity- and institution-building of the Zambia Competition Commission (ZCC) as well as to contribute to the educational process which the ZCC had launched with a view to creating a "competition culture" in Zambia. A national workshop on the implementation of the Zambia Competition Act is planned to be held in July 2000.

8. The workshop on the implementation of the Business Competition Act 1999 of Thailand, held in September 1999 in Bangkok, acquainted a wide range of participants with specific features of Thai competition legislation and enabled the Government to take note of specific recommendations, elaborated in the course of the workshop.

9. The workshop on issues related to competition law, lessons and recommendations for Viet Nam was held in September 1999 in Hanoi with a view to helping the Vietnamese Government prepare draft competition legislation.

10. A national seminar on competition law and policy was organized in December 1999 in Madagascar with a view to enabling the participating government officials and representatives of private business to understand the implications of the draft competition law once adopted and how it should be applied. Following the seminar, consultations were held between UNCTAD experts and personnel designated by the Government on issues related to the draft law.

B. Regional and subregional activities

11. In Africa, a Regional Seminar on Competition Policy, Trade and Development was jointly held by UNCTAD, COMESA and the Zambia Competition Commission from 2 to 4 June 1999 in Lusaka, Zambia. The aim of the seminar was to discuss those competition policy issues of importance to regional development and integration among the COMESA member countries; the interrelationship between the objectives and instruments of trade investment and competition policies; the relevance to COMESA of other integration grouping experiences with a common competition policy; and the role of cooperation and communication in competition law and policy.

12. In cooperation with the Governments of Morocco and Zambia, UNCTAD is organizing regional seminars on competition law and policy for African countries to be held in Casablanca on 18 and 19 July 2000 and in Livingstone on 26 and 27 July 2000.

13. In Asia, in cooperation with the Monopolies and Restrictive Trade Practices (MRTP) Commission of India and the Consumer Unity and Trust Society (CUTS) of India, UNCTAD held a Regional Seminar on Competition Policy for Asia-Pacific Region in Jaipur, India, from 13 to 15 April 2000. The seminar was attended by participants from competition authorities, ministries, business associations and consumer groups from Pakistan, Nepal, Hong Kong (China), Australia, Japan and the host country. It discussed specific issues related to participating countries' experiences, instruments of cooperation in the competition area, problems of competition and international trade, as well as competition and multilateral action for development. Also it had an opportunity to discuss the results of UNCTAD X and adopted the Jaipur Declaration, containing specific recommendations for action by the Fourth Review Conference.

14. In Latin America, a subregional workshop for CARICOM and its member States on competition law and policy was held on 12 and 13 October 1999 in Port-of-Spain, Trinidad and Tobago. It was organized by UNCTAD jointly with the CARICOM secretariat, the European Union (EU), the University of the West Indies and the Institute of Social and Economic Research. The objective was to strengthen Caribbean countries' knowledge of the main principles and application of competition law and policy. Also the seminar considered the scope and rules of competition applicable in regional integration agreements and focused on the issue of global and hemispheric trade, liberalization and competition.

15. In cooperation with the Costa Rican Commission for the Promotion of Competition and the United Nations Economic Commission for Latin American and the Caribbean (ECLAC), a Regional Seminar on Competition Law and Policy is to be organized by UNCTAD in San José from 30 August to 1 September 2000.

16. In cooperation with the Antimonopoly Committee of Ukraine and the European Commission, UNCTAD is involved in the preparation of the Regional Conference on Competition Policy for CIS countries and countries of Central and Eastern Europe, to be held in Kiev, Ukraine, on 13 and 14 July 2000. In addition, UNCTAD participated in a regional meeting of the CIS antimonopoly bodies' leadership, organized in September 1999 in Moscow, Russian Federation, together with the Inter-State CIS Council on Antimonopoly Policy and the Russian Ministry for Antimonopoly Policy and Support of Entrepreneurship.

C. Participation in seminars and conferences

17. During the period under review, UNCTAD staff members took part in a number of seminars, workshops and conferences related to issues of competition law and policy and consumer protection. In particular, resource persons from UNCTAD made substantive presentations and/or participated in discussions at the following meetings:

(a) The IXth International Conference on Competition, held in Berlin in May 1999 and organized by the German Federal Cartel Office and the German Foundation for International Economic Development;

(b) The International Conference on Competition Policy and Economic Adjustment, organized in Bangkok in May 1999 by the World Bank, the Organization for Economic Cooperation and Development (OECD) and the Global Forum on Competition Policy of the International Bar Association;

(c) The OECD Conference on Trade and Competition, held in Paris in June 1999;

(d) The Multilateral Trade, Investment and Competition Policy Capacity-Building Seminar, organized in July 1999 in Jaipur, India, by the Consumer Unity and Trust Society (India) and the Pro-Public (Nepal);

(e) The 14th Session of the OECD Committee on Competition Law and Policy (Paris, October 1999);

(f) The International Conference on Competition Policy and its Institutions (Managua, Nicaragua, November 1999), organized by the German foundation Cooperation for Development (GTZ);

(g) The Forum on New Trends in Competition Law and their Implications for Business in Central and Eastern Europe and the CIS Countries, co-organized in November 1999 in Brno, Czech Republic, by the United Nations, the Economic Commission for Europe (ECE) and the Czech Office for Protection of Competition;

(h) The International Conference on Competition Policy for the Cyber-World (New York, November 1999), organized by Columbia University, New York;

(i) The 4th International Symposium on Competition Policy (Seoul, Republic of Korea, December 1999), organized by the Korean Fair Trade Commission and OECD;

(j) The Seminar on the Determination and Control of Dominant Positions under the Trade Competition Act 1999 of Thailand, organized by the Department of Internal Trade of Thailand in Bangkok in February 2000;

(k) The 78th and 79th Meetings of the OECD Committee on Competition Law and Policy (Paris, February and June 2000);

(l) The ASEAN Workshop for the Launching of the Regional Training/Resource Centre for ASEAN Countries on Competition Law and Policy (Bangkok, March 2000), organized by the Australian Competition and Consumer Commission;

(m) The Second International Competition Symposium, organized by the Turkish Competition Authority in Istanbul in March 2000;

(n) The Asia-Pacific Economic Cooperation Forum (APEC)/Partners for Progress (PPF) Course on Competition Policy for APEC member economies, held in March 2000 in Bangkok;

(o) Colloque international sur Concurrence et Compétitivité, organized by Centre d'Etudes et de Recherches Caraibeénnes in May 2000 in Pointe-à-Pire, Guadeloupe;

(p) The International Conference on Competition Policy and Economic Growth, organized by the World Bank and bilateral donors for ASEAN countries in May 2000 in Jakarta, Indonesia;

(q) The Workshop on Competition Policy in Indonesia: Review of Technical Assistance Programme in the Implementation of the New Adopted Competition Law (Jakarta, May 2000).

III. INFORMATION ON TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS

A. Technical assistance provided, planned or received

This subsection provides a summary of the replies received to the Secretary-General's note TDN 915 (1) of 22 November 1999, requesting information on technical cooperation activities in the area of competition law and policy.

Brazil

The Conselho Administrativo de Defesa Economica (CADE) stated that among various actions related to the promotion of competition it had promoted an International Seminar on Competition Policy in MERCOSUR, held in October 1999. Its representatives participated in the Seminar on Cartel Combat promoted by the United States Department of Justice as well as in the meetings of CT-5 MERCOSUR, the Free Trade Area of the Americas (FTAA), OECD and the World Trade Organization (WTO).

Canada

Technical assistance activities were provided on both a bilateral and a multilateral base. They consisted of in-house visits, presentations and consultations held in the Competition Bureau, as well as of participation by Canadian experts in various meetings, seminars and conferences held in the countries concerned or in third countries. In fiscal year 1998/1999 countries beneficiaries of technical assistance were Lithuania, the United Kingdom, South Africa, Australia, Estonia, Taiwan Province of China, Brazil and other Caribbean, South and Central American countries.

Chad

Within the Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries of the World Trade Organization (WTO), there are plans to draft a

competition law and organize a seminar on the subject. Also, a bill dealing with competition law within the regional framework of the Organization for the Harmonization of Business Law in Africa (OHBLA) is being studied. With regard to proposals on ways to mobilize new resources for technical cooperation in this area, it would be desirable to hold an awareness-raising campaign on technical assistance aimed at donors and to ensure that requests for technical cooperation assistance are properly coordinated.

Finland

During 1999, the Finnish Competition Authority (FCA) primarily had cooperation activities in the antitrust field with Estonia and the near regions of the Russian Federation. The bilateral technical cooperation with Estonia is based on an agreement concluded by the Finnish and Estonian Governments. An annual programme for Finnish-Estonian cooperation on economic and technical collaboration between the two countries was established in 1996, with the aim of preparing the Estonian Competition Authority for membership of the EU. With the Russian Federation, the technical cooperation is based on an agreement between the FCA and the Ministry of the Russian Federation for Antimonopoly Policy and Support of Entrepreneurship. The technical cooperation has consisted, in particular, of seminars and visits organized for the officials of the competition authorities and judges on competition policy issues. The FCA has also rendered assistance on legislative and administrative issues and information technology. Within the framework of Finnish-Estonian cooperation, six seminars were held in 1999; the topics included competition rules in the fields of banking, insurance, agriculture and traffic, as well as the new legislative developments in the EU concerning vertical restraints and the White Paper on the application of articles 81 and 82. Six Estonian officials familiarized themselves with Finnish competition law and policy and the working methods of the FCA for a period of 10 days. The programme varied according to the special interests of the officials. Five judges from Estonian courts visited the Supreme Administrative Court and the Competition Council, where they also attended the proceedings. In accordance with the above-mentioned agreement between Finland and Russia, two officials worked at the FCA for a period of one week.

Germany

In 1999 the Federal Cartel Office (FCO) received delegations from the following countries and territory (excluding the European Union and the United States: Japan, Mongolia, Poland, China, Kenya, the Republic of Korea, Indonesia, Bulgaria and Taiwan Province of China. These delegations sought information on German competition law, and the structure and functions of the FCO. During the same year technical assistance was provided to the Governments of Armenia, Brazil, Colombia and Slovenia. Experts from the FCO participated in seminars, workshops and conferences in Latvia, Pakistan, Austria (OECD seminar for 17 economies in transition), South Africa, Viet Nam, Thailand, Nicaragua and China.

Indonesia

Indonesia has a new law on competition, which came into force on 5 March 2000 under the title of the Law on the Prohibition of Monopoly Practices and Unfair Business Competition. For the implementation of this law, Indonesia has accepted technical assistance from the Economic Law and Improved Procurement Systems Project-United States Agency for

International Development (ELIPS-USAID) and GTZ Germany. This technical assistance has been provided in the form of a course for several government officials as part of the preparation for the establishment of a Commission for the Control of Business Competition and seminars in a number of cities in Indonesia for the socialization of the new law. The Governments of Canada and Japan, as well as the Asian Development Bank, will also provide technical assistance to Indonesia in this matter.

Japan

The Japan Fair Trade Commission (JFTC) has been holding several training courses on competition policy. One of the training courses brings together operational-level staff members of the competition authorities in developing countries and countries with economies in transition. Although a five-year course beginning in fiscal year 1994 was originally intended, it was decided to continue for an additional 10 years because of its effectiveness regarding the capacity-building of the course competition agencies. Other training courses of the JFTC are held by country. The beneficiaries have been China, Thailand and the Russian Federation. The JFTC has, in addition, been sending its experts for more in-depth technical assistance on competition policy to a number of developing countries and countries with economies in transition, namely Thailand, Malaysia, Viet Nam, Lithuania and Latvia. It often sends its experts to international conferences. In the framework of the Partners for Progress initiative of APEC, the JFTC has been coordinating a five-year training programme on competition policy with the Thai Government since fiscal year 1996. This programme offers a good opportunity to exchange information and experience in the APEC region. The fourth segment was held in Bangkok in March 2000, with intensive discussion on specific topics in subgroup meetings.

Jordan

The Government of Jordan has received technical assistance and consultancy from the World Bank for drafting a law on competition policy in Jordan. Local lawyers with the assistance of experts from the World Bank conducted a preliminary study on the status quo of competition practices in Jordan, and the need for drafting a law on competition policy in the future. UNCTAD had provided to the Government of Jordan many publications regarding competition policy.

Kenya

The Monopolies and Prices Commission (MPC) stated that in 1998 it had participated in the following international cooperation activities:

(a) UNCTAD and the Kenyan Government co-sponsored a course on competition policy and law in Nairobi at the Kenya Institute of Administration, which drew participants from Zambia, Malawi, Zimbabwe and Kenya;

(b) Zimbabwe's Ministry of Trade and Industry requested the MPC to provide it with information on job description and terms of reference for competition officials, and sent two senior officials for attachment;

(c) The MPC participated in the National Symposium sponsored by the United Nations Development Programme (UNDP) and organized to discuss the Malawi Competition Bill;

(d) The MPC participated in the UNCTAD Regional Seminar on Competition Law and Policy in Cairo;

(e) The Office of Fair Trading and the Monopolies and Mergers Commission of the United Kingdom hosted one official from the MPC for an internship programme;

(f) The MPC participated in the session of the UNCTAD Intergovernmental Group of Experts on Competition Law and Policy, a symposium on trade and competition policies which was organized by UNCTAD, WTO and the World Bank, and in the WTO Working Group on the Interaction between Trade and Competition Policy;

(g) An official from the MPC attended the antimonopoly group training course at the Japanese Federal Trade Commission (JFTC) in Tokyo;

(h) The MPC provided consultancy services to the Zambia Competition Commission on a beer-sector case at the request of Zambia;

(i) Kenya's proposed Competition and Fair Trading Bill was sent to UNCTAD for comments. The EU and the Italian Competition Agency provided comments on the Bill;

(j) The United States Federal Trade Commission and the Department of Justice hosted two Kenyan officials for a two-week attachment programme sponsored by UNCTAD.

In 1999 an official from the Commission attended the antimonopoly group training course at the Japanese Federal Trade Commission in Tokyo.

Lithuania

The greatest part of technical assistance was provided by the European Commission and financed from Phare funds. Under the Support to European Integration in Lithuania Phare project "Support for Antitrust Enforcement" significant assistance was received in the field of competition in 1999. Several seminars were organized for representatives of the Lithuanian Competition Council and other public authorities. The Lithuanian side had an opportunity to learn about competition enforcement in Ireland, which also provided important assistance in drafting some secondary legislation necessary for effective enforcement of the Lithuanian Law on Competition. The European Commission's TAIEX bureau provided technical assistance for the Competition Council mostly in the form of seminars and conferences on competition policy held in Vilnius. Every year the European Commission's Directorate IV organizes training sessions in Brussels for the staff of Competition Councils and conferences for Eastern and Central European countries on competition policy. It is expected in the year 2000 to start the implementation of the Twinning Project in the framework of the Phare programme, which will continue in the year 2001. The Twinning Project will be focused on the completion of the approximation of legislation to that of the European Union, further strengthening of the

institutional capacity, structures and procedures of the Competition Council, extensive staff training, etc. Under the OECD Baltic Regional Cooperation Programme, a Conference on Competition Policy was held in Riga in 1999, and surveys on "Competition law and policy in the Baltics" and "Competition enforcement in Lithuania" were prepared. In 1999 cooperation took place between the Danish Government and the Lithuanian Competition Council in drafting the secondary legislation necessary for enforcement of the Lithuanian Law on Competition. In accordance with bilateral agreements this cooperation will continue in the year 2000. An important element in establishing the fundamentals of competition legislation and cooperation was the adoption by resolution No. 4/99 of 26 May 1999 of the Association Council, of rules necessary for implementation of articles 64 (l) (i) and (2) of the Europe Agreement establishing an association between the European Commission and the Republic of Lithuania.

Malta

The Office of Fair Competition (OFC) sent one of its legal advisers to lecture and advise the Governments of Arab countries during the UNCTAD Arab Regional Seminar on Competition Law and Policy held in Bahrain in October 1998. A seminar was organized by the Chamber of Commerce in cooperation with the OFC at which a Swedish expert identified by UNCTAD was invited to participate as speaker. From 1994 onwards the OFC has always featured in annual meetings of UNCTAD, at which participants were able to exchange views and draw on the experiences of other countries.

Mauritius

Mauritius received technical assistance from UNCTAD: (i) in 1995 for a study of market concentration in Mauritius; (ii) in 1996 for the services of consultants to advise on the types of institutional framework for the country; and (iii) drafting competition legislation. Mauritius has not received any other form of assistance from other international agencies or States bilaterally or multilaterally.

Mexico

Following the recent establishment of competition authorities, Mexico carried out various activities relating to technical cooperation, particularly with those Latin American countries interested in learning from its experience. In particular, from 1996 to 1998, training was organized by staff of the Federal Competition Commission (CFC) and the competition authorities of Costa Rica. During a visit by the chairman of the Panamanian Competition Commission to the CFC in 1997, agreement was reached on organizing training activities in the CFC. In 1997, CFC staff received training in Japan at the "Anti-Monopoly Law and Competition Policy" workshop, a seminar on competition organized by the Institute for the Integration of Latin America and the Caribbean was held in Buenos Aires, and a seminar on competition organized by the United States of America and the Rio Group was held in Montevideo. Mexico also took part in the Eighth International Conference on Competition in Berlin. WTO, UNCTAD and the World Bank organized a joint symposium on competition policy in Geneva. The APEC workshops on competition policy, sponsored by the Fair Trade Commission of the Republic of Korea, were held in Seoul in August 1997. The International Seminar on Competition Law, organized by the Administrative Council for Economic Defence

(CADE) of Brazil, the World Bank and the OECD, was held in Rio de Janeiro in July. A training course organized by the Competition Tribunal of Spain, the Spanish International Cooperation Agency and the Latin American Economic System (SELA) was held in May in Santa Cruz de la Sierra, Bolivia. The CFC was represented at all these events. There is a record of Mexico's participation in projects, seminars and agreements between 1995 and 1999, including the High-Level Seminar on Sustainable Industrial Development (November 1999, Japan), organized on behalf of the Government of Japan by the Japan International Cooperation Agency (JICA), and the seminar on competition policy for members of APEC (March 1999, Thailand).

Namibia

Assistance was received from the EU under the Transnational Trade and Investment Development Programme (TTIDP) of its Cross-Border Initiative (CBI). This assistance enabled the Ministry of Trade and Industry (MTI) to develop draft legislation appropriate to the Namibian situation. An economist and two legal advisers in conjunction with local Namibian counterparts in the Ministry carried out the work. The project was successfully completed because it was participatory, having received input from all the stakeholders, such as the MTI Management Team, including the Minister, his Deputy, the Permanent Secretary, a judge of the High Court of Namibia and representatives of the following institutions of the Ministry of Justice, the Office of the Attorney-General, the Ombudsman, the University of Namibia, the Law Society and the Namibian Chamber of Commerce and Industry.

New Zealand

New Zealand has provided speakers for, and participated in, the APEC Partners for Progress seminars, which have been held on an annual basis. The main focus has been on developing capacity and building institutional capability in APEC developing economies. In 1999, New Zealand provided a representative for a conference jointly organized by the OECD and the Fair Trade Commission of Taiwan Province of China. This conference covered practical issues such as institution-building and the relationship of competition authorities with other parts of Government, based on OECD best practices. This was part of the OECD competition policy outreach work in Asia. New Zealand is continuing to evaluate the potential to use both bilateral and multilateral mechanisms for greater powers for the sharing of information between the Commerce Commission, the domestic competition regulatory agency and overseas competition and enforcement agencies. It intends to continue to assist in technical cooperation activities in the area of competition law and policy, where it is able to commit resources. Areas where fresh resources could be committed to technical assistance measures are: (i) the promotion of competition law measures within a broader competition policy framework; (ii) the provision of independent research expertise to evaluate whether target benefits in productive efficiency, resource allocation and pricing are being delivered; (iii) the provision of aid from experienced partner countries in capacity-building regulatory institutions, including regulatory agencies, legal and consumer advocacy bodies and community education initiatives; and (iv) the sponsorship of cross-border regional regulatory forums. Overall, there is a need to ensure that the development of competition law occurs in the context of a broader competition policy. Any measures that would contribute to developing the understanding of broader competition policy frameworks would be welcomed. Many developing economies are only now establishing competition

agencies, and there is a leap in terms of skills, intensity and expense of regulatory effort. It would be useful to assist in building up in accordance with an accelerated timetable skills in, and a record of enforcement of, competition and consumer law. The second area for attention is the role of regulation and the interface with competition law and policy. Developing countries could benefit from technical cooperation measures concerning the regulation of network utilities, particularly in the incentive regulation of utilities. Overseas experts in both competition policy and utility regulation who may be brought in cannot be expected to have an appreciation of the public interest issues flowing from regulatory decisions if they lack experience in competition and consumer law. It is important to draw on the experience of those developing/transition countries that are more advanced in implementing competition policy and have had some success in doing so. Peru and Poland are examples of such countries. These countries have the best appreciation of what is involved in developing new institutions and provide useful models.

Nicaragua

Experience in the area of competition law and policy is relatively recent, going back only four years; it is dealt with by the Special Dereuglation Unit of the Ministry of Development, Industry and Trade, which is funded by the German Technical Copoeration Agency. I must also inform you that all we have received through UNCTAD has been a seminar on competition law and policy for Nicaragua held in November 1994.

Pakistan

The Monopoly Control Authority (MCA) organized a Regional Workshop on Harmonization of National Competition Policies as a Part of Economic Cooperation in the SAARC Region in February 1999. The workshop was organized in collaboration with the German Foundation for International Development (DSE) and the UNCTAD secretariat. It provided a forum to the representatives of the South Asian Association for Regional Cooperation (SAARC) for discussing issues related to competition policy and for interactive sessions with the UNCTAD and German experts. Discussions on case law pertaining to both developed and developing countries proved to be informative in identifying specific measures for implementation. The MCA suggests that UNCTAD organize on-line training courses. This would greatly help developing countries while being cost-effective for both the recipients and the providers.

Peru

The second internship programme in the National Institute for the Defence of Competition and the Protection of Intellectual Property (INDECOPI) for government officials in America is planned for the second half of 2000. Its aim is to foster institution-building in organizations and institutions from American countries involved in promoting competition and/or intellectual property, by disseminating the methods applied by INDECOPI in its various fields of activity. Between 1998 and 2000, the competition-policy projects and activities carried out in Peru as a result of international cooperation included: (i) an international seminar on competition policy organized jointly with the Organization of American States in 1998; (ii) the Project to Strengthen the Regulation and Promotion of the Market Economy, carried out jointly with the Inter-American Development Bank and the Andean Development Corporation

between 1998 and 2000; and (iii) the International Workshop on Competition Policy, organized jointly with the OECD in 1999. In 1998, INDECOPI officials took part in Washington in the course on competition policy funded by the World Bank and the Inter-American Development Bank. INDECOPI suggests that UNCTAD should encourage organizations such as the International Organization for Migration, the World Bank or the Inter-American Development Bank (through its intra-regional technical cooperation programme) to set up a special budget line for the training and exchange of experts on competition policy, which would make it possible to offer specialized internships for officials from developing countries in organizations with a proven track record and to offer short-term consultancies. It could also provide a common denominator at the international level for the way cases of competition are dealt with and for the competition policies introduced in each country.

Philippines

The Philippine Tariff Commission has taken the initiative for the formulation of a draft competition policy framework for the Philippines. In 1998, the Commission was the recipient of technical assistance from UNDP for a project entitled "Developing a comprehensive fair trade and competition policy framework in the Philippines", financed by the United Nations Office for Project Services (UNOPS). In March 1999, the Institute for Research into International Competitiveness (IRIC) of the Curtin University of Technology in Perth, Australia, submitted a comprehensive research study entitled "A policy framework for competition policy in the Philippines". A series of seminars organized by the Commission for judges, lawyers, academics, business leaders, consumer groups and key government agencies were held in April 1999 in response to the presentation of the Curtin University of Technology consultants. As a follow-up to the first phase of the competition policy framework project, the Tariff Commission proposed a continuation of the joint Australia-Philippines-APEC cooperative efforts on trade and competition policy. This project was approved in November 1999 under the Philippines-Australia Governance Facility of the Australian Agency for International Development (AUSAid) and began in February 2000. The Tariff Commission has sent participants to the following training programmes: an APEC-sponsored seminar on competition policy in Australia, the series of APEC courses/seminars/workshops on competition policy in Thailand, and the International Training Programme on Competition Policy in Seoul, Republic of Korea.

Poland

The Polish Office for Competition and Consumer Protection (OCCP) provided assistance on the basis of bilateral agreements to competition authorities of the Russian Federation, Lithuania and Ukraine. These agreements provide for an exchange of experts, and of information and experience which has been acquired particularly by Poland in the course of its preparation for accession to the EU and of accession negotiations. The OCCP is planning to develop closer cooperation with Baltic countries. The OCCP received the following assistance: (i) EU assistance provided since 1991 within the framework of the Phare programme, concerning harmonization of Polish legislation and preparations for the accession negotiations, including advising, training and study visits; (ii) OECD seminars and workshops organized in the period preceding Poland's accession to the OECD; (iii) United States (Federal Trade Commission and Department of Justice) advisory assistance in the years 1992-1995; and (iv) French (DGCCRF)

assistance concerning consumer protection and negotiations on accession to the EU, including advising and study visits, in the years 1994-1998. The OCCP suggested that the development of closer bilateral and multilateral cooperation among competition authorities of individual countries (including study visits, exchange of information and investigatory assistance) could be further explored.

Romania

In 1999, the Romanian Competition Council (RCC) benefited from three technical cooperation activities. First, United States technical assistance was provided through the United States Agency for International Development (USAID) in the form of a technical assistance programme, envisaging long-term assistance through a special adviser from the United States Federal Trade Commission at the Competition Council and short-term assistance in the form of short-term missions. The experts of the Competition Council and the Competition Office also took part in seminars organized in collaboration with specialists from the United States Federal Trade Commission and the Department of Justice's Antitrust Division. Second, technical assistance was provided by the EU Commission through TAIEX in the form of one-week training sessions for two experts of the RCC at the European Commission's DG IV. In accordance with the provisions of the European Association Agreement (EU-Romania), the RCC was involved in the pre-accession programme and in the process of harmonization of the Romanian competition legislation. Within the 1999 Phare budget a project to strengthen administrative capacity in the field of competition and State aid was approved. Both the Competition Council and the Competition Office will benefit from this project. It envisages training sessions with the competition authorities of EU member States, exchange of experience and seminars organized in Romania and conducted by EU specialists, as well as assistance provided by an EU expert to the RCC in the area of adoption of the secondary legislation and enforcement of the State aid legislation. Third, within the multilateral assistance programme provided by the OECD to Central and Eastern Europe countries, the RCC experts attended a two-week seminar in Vienna.

Slovakia

In 1999 the Antimonopoly Office in cooperation with the British Know-How Fund elaborated a project to strengthen the independence of the Office and build the capacity for implementation of effective competition in Slovakia in accordance with the EU requirements. Under the project technical assistance will be provided through a series of structured visits to Slovakia by competition experts. Access to information concerning specific competition cases that have been investigated by other authorities is expected to increase through the establishment of contacts between the Office and the competition authorities in EU member States. The project will assist the Office in assessing the current constraints, evaluating the options for alleviating them and supporting the Office in moving towards a more planned and strategic method of work. It will also assist the Office in developing annual operational plans and targets. From October 1998 to June 1999 the Office cooperated with the European consortium within the framework of Phare programme assistance with approximation of Slovakia's legal rules to the EU legal rules. This cooperation resulted in consultations, written analyses, EU documents and further advisory activities concerning approximation of the Slovak Act on Protection of Economic Competition.

Slovenia

The Competition Protection Office (CPO) has provided technical assistance in the form of short-term study visits to the Governments of Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. Slovenia has received multilateral assistance from the OECD in the form of yearly seminars on competition policy; WTO in the form of specialized seminars on dumped and subsidized imports; and from the EU in the form of a collective traineeship for antitrust and State aid officials and specialized Phare seminars and conferences on antitrust activities, State aids and dumping. Bilateral assistance was provided by the EU through the Phare and TAIEX programmes, within the framework of which certain EU member States provided technical assistance to the CPO in the form of study visits, short-term advisory missions, expert meetings and commentaries on legislation. Bilateral assistance was also received from the following countries: France - short-term study visits and advisory missions; Germany - bilateral technical assistance under the TRANSFORM programme in the form of short-term advisory missions and study visits; Denmark - a seminar on competition policy and State aid; United States - short-term advisory missions, short-term study visits, specialized workshops, provided by the Federal Trade Commission and the Department of Justice; and Sweden - a short-term advisory mission on the subject of State aid. The CPO suggests that technical assistance should always be tailor-made, as problems are different from country to country. Special importance should be accorded to the process of implementation of the corresponding legal framework. Certain countries, Slovenia included, could provide other countries with relevant technical assistance in the area of their experience with the introduction of competition, implementation of legislation and negotiations with other partners (i.e. WTO, EU, etc.).

Sri Lanka

The German Foundation for International Development (DSE), with the assistance of UNCTAD, (i) conducted in April 1997 a seminar on "Enforcement of national laws on competition and restrictive business practices in developing countries", held in Sri Lanka for the benefit of staff of the Fair Trading Commission (FTC) and (ii) provided funding to three FTC members to participate in a workshop on "Harmonization of national competition policies as an integral part of economic cooperation", jointly organized by DSE, UNCTAD and the Pakistan Monopoly Control Authority and held in Pakistan in February 1999. The Japan International Cooperation Agency (JICA) provided funding for a member of the FTC to participate in a group training course on "Antimonopoly laws and competition policy", organized by the JICA and the Japan Fair Trade Commission, and held in Japan in August-September 1999.

United States of America

During the 24-month period from January 1998 through December 1999, the United States federal antitrust agencies (the Department of Justice and the Federal Trade Commission): (i) provided long-term advisers to Argentina, Romania and South Africa; (ii) sent one or more short-term technical cooperation missions to Argentina, Brazil, the Dominican Republic, India, Romania, Slovakia, Slovenia, South Africa, Trinidad and Tobago and Ukraine; (iii) hosted as interns competition officials from Argentina, the Czech Republic,

Jamaica, Kenya and Slovakia; and (iv) participated in OECD competition seminars in Brasília (Brazil), Kiev (Ukraine), Lima (Peru), Moscow (Russian Federation) and Vienna (Austria). Most of the expenses of these technical cooperation activities were funded by USAID.

Andean Community

At the present time, the Andean Community applies decision No. 285 on rules to prevent or correct distortions of competition arising as a result of restrictive business practices, adopted by the Commission of the Cartagena Agreement in March 1991. Its scope is restricted to practices originating in the Andean subregion or those involving a company engaged in economic activities in a member country and which have no effects in the subregion. In the latter case, the domestic legislation of the member country affected applies. Member countries have agreed to go ahead with action that might result in changes to decision No. 285. In 1998, using European Union funding, the General Secretariat of the Andean Community hired two consultants for three months to prepare advisory documents on possible changes to decision No. 285 and another consultant for one month to collect information for an assessment of the national competition laws and authorities in member countries. The European Union is being approached at the moment with a view to preparing an assistance project, although the latter has not yet been clearly defined. The General Secretariat also carried out two investigations pursuant to decision No. 285, in 1996 and 1997. One, at the request of a Venezuelan company, was into alleged collusion in the sugar-cane sector between companies from Colombia and Venezuela; the other, at the request of an Ecuadorian company, was into the alleged abuse of a dominant position in the subregional market for polypropylene film by companies from Colombia and Venezuela. The final decisions on those cases can be found in resolution 420 of the Board of the Cartagena Agreement and resolution 11 of the General Secretariat, which can be viewed on the Web site of the Andean Community (www.comunidadandina.org).

OECD

The major technical assistance projects conducted by the OECD in the area of competition policy in 1998-1999 are set forth below. Some of these projects were carried out jointly with the World Bank and many were carried out with the assistance of national competition authorities. The following major conferences were organized: 29-30 June 1999 - *Trade and Competition Conference* (with substantial assistance from the United Kingdom's Department for International Development and jointly organized by the Trade Directorate), attended by representatives of some 50 countries from Europe, North and South America, Asia and Oceania as well as representatives of several international organizations; and 27-28 May 1999 - *OECD/World Bank International Conference on Competition Policy and Economic Adjustment,* attended by representatives of Brazil, China, Taiwan Province of China, India, Indonesia, Malaysia, Russian Federation and Thailand. The following seminars were organized: (a) seminars at the Joint Vienna Institute: *Topics in Competition Policy*: these two-week seminars have typically involved delegates from the Competition Offices of Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Romania, the Russian Federation, Slovakia, Ukraine, Armenia, Turkmenistan and Uzbekistan. Competition officials from the Czech Republic, Hungary and Poland also participated regularly until these countries became OECD member countries. The seminars are focused on actual competition cases submitted by the participating countries and have been held annually in

Vienna since 1993; (b) Russian Federation: (i) December 1999, *Workshop on Competition Policy in the Banking Industry*, attended primarily by staff of the Ministry for Antimonopoly Policy but with representation also from the Central Bank, research institutes and universities; (ii) September 1999, *OECD Seminar on Competition Policy*, attended primarily by staff of the Ministry for Antimonopoly Policy but with representation also from Armenia, Azerbaijan, Georgia, Kyrgyzstan, Ukraine and Uzbekistan; (iii) December 1998, *Enforcement of Competition Law in the Arbitrazh Courts*, attended by judges from the Arbitrazh Courts, officials of the Antimonopoly Committee and legislative assistants; (iv) August 1998, *Topics in Competition Policy*, attended primarily by staff of the Antimonopoly Committee but with representation also from Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan.

Ukraine: (i) June 1999, *OECD/FTC Seminar with Judges on Competition Policy* (jointly sponsored by the United States Federal Trade Commission), attended by the Ukrainian Supreme Court judges and staff of the Antimonopoly Committee; (ii) June 1999, *OECD/FTC Seminar on Effective Competition Policy* (jointly sponsored by the United States Federal Trade Commission), attended by the staff of the Antimonopoly Committee; (iii) June-July 1998, *Effective Competition Policy Enforcement*, attended by staff of the Antimonopoly Committee.

Regional Seminar at the OECD's Centre for Private Sector Development (Istanbul): October 1998, *Demonopolization of Markets*, attended by competition officials from Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, the Republic of Moldova, Mongolia, Romania, the Russian Federation, Turkmenistan and Ukraine.

Bulgaria: November/December 1998, *OECD Competition Law and Policy in the Balkan Countries*, attended by officials from Bulgaria, Romania, Croatia and Slovenia.

Baltic seminars: (i) May 1999, *OECD Conference on Competition Policy and Enforcement in the Baltic Region*, attended primarily by competition authorities from Estonia, Lithuania and Latvia, and officials from the Antimonopoly Ministry of the Russian Federation, including the St. Petersburg/Leningrad Regional Office, the Karelia Regional Office and the central office in Moscow; (ii) October 1998, Meeting with heads of the Baltic competition agencies to plan the OECD/Baltic Regional Cooperation Programme to start in spring 1999.

Latin American seminars: (i) December 1999, *OECD/CADE Seminar on Competition Policy in the Airline Industry in Brazil*, attended by officials from Italy, Mexico, the United Kingdom, the United States and the OECD, and from the Brazilian Senate, the Ministry of Defence, the Ministry of Justice and CADE, as well as representatives from the major airlines; (ii) November-December 1999 (organized in conjunction with Peru's Instituto Nacional de la Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI)), *Workshop on Competition in the Telecommunications, Air Transport and Energy Sectors*, attended by officials from Argentina, Brazil, Jamaica, Mexico, Panama, Peru and South Africa; (iii) February 1999, *OECD/CADE Competition Policy Case Study Seminar*, attended by officials from Argentina, Brazil, Jamaica, Mexico, Panama, Peru and South Africa; (iv) July 1998, *Competition Policy in South America*, attended by Brazilian competition officials and focused on pre-merger notification.

Asian events: The OECD secretariat has organized or participated in organizing and presenting OECD-sponsored competition policy events in Asia, including: (i) Bangkok, December 1999 (organized in conjunction with Taiwan Province of China's Fair Trade Commission), *International Cooperation Programme on Competition Policy; Seminar on the Role of Competition Policy and Competition Authorities*, attended by officials from Taiwan Province of China, Hong Kong (China), Indonesia, Malaysia, the Philippines, Singapore, Thailand and Pakistan; (ii) Shanghai, December 1999, *International Conference on Legislating China's Antimonopoly Law*, attended by Chinese government officials and academics; (iii) Seoul, summer 1998 and 1999, *Asian Competition Policy Training Programme for APEC countries* attended by officials from Taiwan, Province of China, Thailand, Singapore, the Russian Federation, the Philippines, Malaysia, Indonesia, Hong Kong (China), China (co-sponsored with KFTC); (v) Beijing, November 1998, *Forum on China's Draft Antimonopoly Law*, attended by Chinese government officials and academics. The OECD secretariat has also provided panellists for *Japan-sponsored training seminars for APEC countries*, organized in 1998 and 1999 in Thailand.

African events: August 1999, OECD provided a lecturer as part of the initial training programme of the Competition Commission of South Africa attended by South African officials and members of the Southern Africa Development Community.

Advice on laws, commentaries and methodologies was provided to the Russian Federation: (i) 1999, comments were provided on proposed amendments to the law on natural monopolies; (ii) 1998, comments were provided on proposed amendments to the competition law.

Other activities included (i) a joint OECD/World Bank publication entitled *A Framework for the Design and Implementation of Competition Law and Policy*, for transition and developing countries (published in 1998); (ii) a *Glossary* of the legal and economic terms fundamental to competition law and policy.

World Trade Organization

Paragraph 22 of the Singapore Ministerial Declaration provides that the technical cooperation programme of the WTO secretariat shall be made available to developing and, in particular, least-developed country members to facilitate their participation in the work programme on the interaction between trade and competition policy, which is set out in paragraph 20 of the Declaration. During 1999, a number of activities were undertaken pursuant to that mandate. Two symposia on issues concerning competition policy and the multilateral trading system were held at the WTO. The first, held in April 1999, dealt with the views of civil society organizations on questions concerning the role of competition policy in a healthy market economy and its relationship with the multilateral trading system. These symposia were presented with financial assistance from UNCTAD, the World Bank and other organizations, as well as with input from their staff. It has been decided that the papers and proceedings of these symposia along with those of two other symposia held earlier will now be published in a volume. The volume is to be jointly edited by members of the secretariats of the WTO, UNCTAD and the World Bank and is intended as a further contribution to public understanding of the issues discussed at the symposia. The WTO secretariat appreciates the collaboration of the UNCTAD

secretariat as well as that of the World Bank and other organizations in these activities. In May 1999, the WTO secretariat, jointly with the Asian Development Bank, presented a regional seminar on trade remedies and competition policy in Chiang Mai, Thailand. The seminar was attended by officials from a large number of countries from South, East and South-East Asia. During 1999, staff members of the WTO secretariat participated in conferences, workshops and training seminars sponsored by other organizations that dealt with the interface between trade and competition policy and that were intended particularly for the benefit of developing countries. These included: (i) an APEC Workshop on Competition Policy and Deregulation in Christchurch, New Zealand, in April-May 1999; (ii) a training seminar for staff of non-governmental organizations sponsored by the Consumer Unity and Trust Society (CUTS) in Jaipur (India) in July 1999; (iii) a seminar on competition policy for CARICOM member countries sponsored jointly by UNCTAD, the CARICOM secretariat and the University of the West Indies in October 1999; and (iv) a conference on competition policy in MERCOSUR organized by the Brazilian national competition agency, CADE, in November 1999. Staff also participated in conferences of a more academic nature which nevertheless were intended to share perspectives and promote understanding of the issues. As a further element of the WTO secretariat's technical cooperation activities relating to the interaction between trade and competition policy, lectures on the subject were presented as part of the organization's trade policy course. In 1999, such lectures were given in four regular sessions of the course and two sessions of a short version of the course. Lectures and presentations were also given for various organizations that visited the WTO during the year. An important activity of WTO staff members throughout the year was the provision of information and advice, on an ongoing, informal basis, to delegations to facilitate their participation in the work of the WTO Working Group on the Interaction between Trade and Competition Policy. In the year 2000, it is planned that the technical cooperation programme of the WTO secretariat in the area of the interaction between trade and competition policy will feature increased emphasis on regional workshops and seminars. This reflects demands made for such programmes by a number of WTO members at the Seattle Ministerial Conference and in the preparatory process leading up to it. The secretariat expects to invite the participation of UNCTAD staff members in these programmes, and looks forward to collaborating with the UNCTAD secretariat and other intergovernmental organizations in other activities as well.

B. Requests for technical assistance

This subsection contains extracts from the replies received, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which States would wish to see receive priority attention.

Jordan: The Ministry of Industry and Trade has indicated that assistance is needed in the following areas: (a) *studies* regarding (i) the structure of practices in Jordanian industry; (ii) government practices in respect of restructuring different economic sectors and its relation to privatization in Jordan; (b) *training needs*: (i) training future judges and investigators specialized in the application of competition policy law; (ii) assisting the Ministry of Industry and Trade in establishing a unit to implement competition policy in Jordan. In this regard, Jordan seeks assistance in the following areas: (1) providing the Ministry of Industry and Trade with computer systems and hardware; (2) inviting economic advisers specialized in drawing up competition policy to Jordan; (3) inviting legal experts in competition law to assist the

Government in preparing regulations and instructions for the implementation of competition law; (4) providing the Ministry of Industry and Trade with the necessary publications and studies regarding the experience of other countries in the application of competition policy; (c) *further suggestions* relate to (i) organizing workshops and regional seminars aimed at educating UNCTAD member States about competition policy and antitrust laws; and (ii) cooperation between UNCTAD and the International Trade Centre (ITC) in educating the private sector in developing countries about the evolution of governmental policies on competition, educating the private sector about the expected effects of the application of antitrust laws, and defining the appropriate methods which the private sector should pursue in an attempt to accommodate itself to the changes that resulted from the application of antitrust laws.

Kenya: The Monopolies and Prices Commission would be most grateful if technical assistance could be extended in the following areas: (a) *training*: the officers in the Commission would benefit from one to three months' attachment to agencies with experience in competition policy and law implementation; (b) *publicity and awareness*: as most of the general public, government agencies, business enterprises and management countrywide are unaware of the existence of the law, resources should be extended to help the Commission publicize competition policy; (c) *review of the Act*: resources are required for review of the existing law, enacted in December 1988, to make it more suitable, flexible, effective and reflective of the needs of a liberalized economy; (d) *regional cooperation*: member States of the COMESA region and the East African Community (EAC) could benefit a great deal from competition policy seminars. The Commission requests technical assistance in hosting such regional seminars.

Malta: In the light of the need to introduce merger control, the Office of Fair Competition would like to receive expert assistance on the drawing up of legislation and on the way mergers should be tackled, given the circumstances of a small market economy. The Office also requests expert advice on how to assist public monopolies which at present are not covered by the Maltese Competition Act, so that they are able to operate in a competitive market and become subject to competition law. Meanwhile, greater access to Web sites is considered useful in mobilizing technical cooperation.

Namibia: Once the Namibian Competition Bill has been passed by Parliament and becomes law, further technical assistance would be required in the development of training, enforcement, monitoring and inspection programmes.

Nicaragua: The Special Deregulation Unit of the Ministry of Development, Industry and Trade (MIFIC) needs: (a) to have its officials visit other organizations, particularly in Latin America, to observe best practices that could be adapted to the Nicaraguan context (by means of internships, seminars/workshops and courses); and (b) to receive visits from officials from organizations in Latin America and the Caribbean who can provide advice and seminars.

The Competition and Deregulation Department of MIFIC needs: (a) to learn more and find out about the experience of countries in applying competition laws; (b) find out about methods and procedures for use in studies and monitoring of key markets. The following topics would be of interest to interns: deregulation; the administration of competition law and policy; unfair trading practices; negotiation and dispute settlement (in specific cases of economic actors); techniques and procedures for use in respect of competition and consumer law; and the

functioning and effectiveness of collegiate bodies administering legislation on competition and consumer rights. The aim is to strengthen the analytical capacity of departments through assistance from experts in these subjects, who would equip us with the necessary tools to assume new roles successfully. The satisfactory administration of laws, the use of technical tools and analytical procedures, and policy design and implementation require proper advice supplied by experts with extensive practical experience.

Pakistan: The Monopoly Control Authority (MCA) requested that a comprehensive study be conducted regarding the competition environment in Pakistan across various sectors of the economy, together with policy analysis and identification of measures for effective implementation of competition policy in the country. It was proposed that this study be followed by a training course for the MCA's officials on practical aspects of competition law enforcement, e.g. detection of cartels and calculation of market share for a product. The MCA would like that to be done in cooperation with UNCTAD on a priority basis, since the MCA lacks both the financial and human resources to enforce the law effectively. The MCA is preparing proposals regarding possible avenues for cooperation with OECD and the Australian Consumer and Competition Commission. The MCA intends to request technical assistance with the following: (i) a comprehensive review of the monopolies law to bring the law into harmony with the changes that have occurred during the last two decades at national and international level; (ii) capacity-building to improve the qualifications/understanding of its staff in the form of refresher courses in the field of investigative techniques and methods for analysing competition cases. Such courses may be organized at the regional level since the competition authorities in the regions are facing similar problems; (iii) organization of a regional workshop to work out a concrete strategy for harmonization of policies and information-sharing on different cases/related issues amongst the region; (iv) development of MCA's web page; (v) operational attachments of MCA's officers in its counterpart institutions for a period of two to three months; (vi) sponsorship of specialized courses/degree programmes at graduate or master's level for the officers of the MCA; (vii) provision of books on a complimentary basis to update the MCA library on the following topics: competition law and policy; accounting; trade policy; industrialization; management information systems; computer-related books; case law regarding mergers, restrictive business practices; etc.

Peru: A request has been made for INDECOPI officials to follow courses and internships in various competition bodies, in order to receive training in market analysis and in dealing with competition-related cases.

Philippines: There are numerous training programmes and seminars on the basic principles of competition law and policy for government officials, especially for those belonging to the Tariff Commission and the Department of Trade and Industry. However, the Department of Trade and Industry would like to see more of those types of training programmes, which are extended to officials of the Department of Justice, the Securities and Exchange Commission, consumer groups, businessmen, industry associations and the academia.

Poland: As the transitional period of the Polish economy is gradually coming to an end, and Poland will no longer consider itself a "country in transition", the Polish Office for

Competition and Consumer Protection, having gained substantial experience in the field of competition law and policy under market economy conditions, has no further requests for assistance other than those already foreseen and planned in connection with accession to the European Union.

Romania: The need for permanent harmonization of competition and State aid legislation with the new and dynamic EU approaches, and the analysis of EU cases imply, the inclusion of a "community component" within the training of the Competition Council staff. In this respect, the Council has asked the Government of Romania to facilitate contacts with the competition authorities of EU member States with an institutional structure for enforcing and managing the competition and State aid rules similar to the Romanian one. Consequently, collaboration proposals with the Competition Council of France, Portugal and Belgium and with the Monopolies and Mergers Commission of the United Kingdom were designed to that end. Following a proposal by the Swedish Government, the Competition Council drew up a bilateral collaboration draft in the field of competition and State aid. The assistance requested by that project will be oriented towards organizing training sessions, exchange of experience and study visits at the Swedish Competition Authority and also seminars in Romania.

Slovenia: On the basis of the needs identified, the Competition Protection Office has established bilateral cooperation with relevant French and German institutions for a transfer of experience, particularly in the fields of relevant market definition, merger control, antitrust investigative techniques and demonopolization.

Sri Lanka: The Fair Trading Commission needs further technical assistance for capacity-building in the area of competition law and policy, and it would welcome further technical assistance from UNCTAD or any other international agency to develop the skills of its staff.